

JOHN L. RHEA AND JOHN ANDERSON.

JANUARY 28, 1897.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. GIBSON, from the Committee on War Claims, submitted the following

REPORT.

[To accompany S. 19.]

The Committee on War Claims, to whom was referred the bill (S. 19) entitled "A bill for the relief of John L. Rhea, executor of Samuel Rhea, deceased, and John Anderson, administrator of Joseph R. Anderson, deceased," beg leave to submit the following report, and recommend that said bill do pass, without amendment.

Your committee concur in the conclusions embodied in the report of the Senate Committee on Claims of the present Congress (a copy thereof being hereto attached as part of this report), and recommend the passage of the bill.

[Senate Report No. 971, Fifty-fourth Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 19) for the relief of John L. Rhea, executor of Samuel Rhea, deceased, and John Anderson, administrator of Joseph R. Anderson, deceased, beg leave to submit the following report:

A similar bill was favorably reported in the House of Representatives in the Fiftieth, Fifty-first, and Fifty-second Congresses, and also in the Fifty-third Congress, second session (No. of report, 420), which your committee adopt in part as their report, and recommend the passage of the bill.

That report is as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 2396) for the relief of John L. Rhea, executor, etc., submit the following report:

A similar bill was before the Committee on War Claims of the Fifty-second Congress and was favorably reported upon.

After a careful investigation of the facts involved, your committee adopt the report of the committee of the Fifty-second Congress, a copy thereof being hereto attached and made a part of this report, and recommend the passage of the bill.

[House Report No. 358, Fifty-second Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 3144) for the relief of John L. Rhea, executor of Samuel Rhea, deceased, and Joseph R. Anderson, submit the following report:

This measure was considered by this committee during the first session of the Fifty-first Congress, and was reported upon favorably (Report No. 99), which is appended as a part of this report.

Your committee concur in the conclusions stated in that report and recommend the passage of the bill.

[House Report No. 99, Fifty-first Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 2991) for the relief of John L. Rhea, executor of Samuel Rhea, deceased, and Joseph R. Anderson, report as follows:

The facts out of which this bill for relief arises will be found stated in House report from the Committee on War Claims of the Fiftieth Congress, a copy of which is hereto appended for information.

Your committee adopt the said report as their own, and report back the bill and recommend its passage.

[House Report No. 4096, Fiftieth Congress, second session.]

The Committee on War Claims, to whom was referred the claims of John L. Rhea, executor of Samuel Rhea, deceased, and Joseph R. Anderson, report as follows:

The claim of Rhea is for part of the proceeds of 58 bales of cotton, seized in 1864 by the United States military authorities in the city of Atlanta, Ga., and turned over to the Treasury agents, and by them sold and the proceeds paid into the Treasury.

Early in the year 1862 the decedent, Samuel Rhea, sent \$12,498.80 to J. A. Ansley, of Augusta, Ga., of which sum \$5,010 belonged to his son-in-law, John H. Fain, to be invested in raw cotton, and the expenses attending the same to be paid by each in proportion to their respective shares. Ansley, it appears, invested the money sent him, as instructed, in the name of Rhea, and afterwards, in the fall of 1862, shipped the cotton purchased in Rhea's name from Augusta, Ga., to Robert J. Lowery, a merchant in Atlanta, Ga. Lowery says:

"I had on storage in my house, to the credit of Samuel Rhea, 251 bales of cotton. I received it in the months of October and November, 1862. Twenty-five bales of this cotton was sold in November, 1863, to pay taxes, storage, etc.; burned in the warehouse during the shelling by Gen. Sherman's forces, 43 bales; shipped to Gaines & Co., Macon, Ga., 125 bales, to be stored to the credit of Samuel Rhea."

It appears, in the year 1862, that N. M. & Robert J. Lowery purchased 65 bales of raw cotton, which they kept in their warehouse at Atlanta until September, 1864, when it was all burned by Gen. Sherman's forces except 5 bales, so that there remained the 58 bales of Rhea's and Fain's cotton and the 5 bales of Anderson's cotton in the custody of Mr. Lowery in Atlanta, which was turned over to Capt. E. Hade, as appears by the following receipt:

OFFICE ASSISTANT QUARTERMASTER,
Atlanta, Ga., September 19, 1864.

I certify that I have this day taken possession of the following property, for and in behalf of the United States, for Government purposes. Said property was found in the city of Atlanta immediately after its capture by United States forces. Said property is claimed to have belonged to R. J. Lowery, a citizen of Atlanta, viz, (63) sixty-three bales cotton, marked D. [L.,] weighing (31,424) thirty-one thousand four hundred and twenty-four pounds, and will be duly accounted for on my return of quartermaster stores for the month of September, 1861. No payment has been made or tendered for said property.

E. HADE,
Capt. and A. Q. M.

The 63 bales embraced in the receipt—58 bales of Rhea & Fain and the 5 bales of Anderson—was taken in the name of R. J. Lowery, but Mr. Lowery in his evidence says:

"The cotton did not belong to me; but the receipt was taken in my name, because I was agent for the parties owning the cotton, and expected to collect the money immediately from the Government; and the parties not being present to attend to it, it was thought best to take the receipt in my name."

The amount of money invested in cotton by Ansley in the name of Rhea was \$12,498.80, of which sum \$5,000 belonged to Fain.

Fain brought suit in the Court of Claims for the whole amount of the net proceeds of the 58 bales of cotton in 1867 (4 C. Cls. R., p. 237), and the court held that the facts in the case did not establish a partnership; that the ownership of the cotton before its seizure was joint, with the right of each party to control his interest at discretion; that Fain was just entitled to recover of the proceeds of the sale of 58 bales of cotton a sum in proportion to the amount of his funds invested therein, which was found to be \$8,360.

In the Price case (7 C. Cls. R., pp. 567 and 577) the Court of Claims delivered an elaborate opinion showing the amount and value of cotton taken from Atlanta which came to the possession of the Government, and it was found that the value of the 58 bales of cotton was \$360.27 net per bale, of which 22 $\frac{6}{10}$ bales was Fain's proportionate share, which would leave Rhea's proportionate share 35 $\frac{4}{10}$ bales, at the rate of \$360.27 per bale, amounting to the sum of \$12,825.61 due Rhea. The 5 bales of cotton claimed by Anderson were taken and sold by the Government at the same time, which, at the rate of \$360.27 per bale, would make due Anderson the sum of \$1,803.35.

Both Rhea and Anderson were residents of Sullivan County, East Tennessee—that part of the State which was notorious for its loyal citizens; they both voted against and resisted secession and remained loyal to the Government of the United States throughout the war. Rhea was an abolitionist, and freed his slaves as early as 1848 and sent them to Liberia. Anderson was one of the board of directors of the East Tennessee and Virginia Railroad during the rebellion and was instrumental in having the rolling stock of the said road turned over to the Government of the United States.